

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT  
EASTERN DISTRICT OF  
NEW YORK  
BROOKLYN OFFICE

GILEAD SCIENCES, INC., GILEAD SCIENCES  
IRELAND UC, and GILEAD SCIENCES, LLC,

Plaintiffs,

**Civil Action: 21-cv-4106**

**UNDER SEAL [AMD][RER]**

Plaintiff,

-against-

**VERIFIED ANSWER**

SAFE CHAIN SOLUTIONS, LLC; PATRICK BOYD;  
CHARLES BOYD; WORLDWIDE PHARMA SALES  
GROUP, INC. d/b/a PHARMASALES.COM; ADAM S.  
BROSIUS; BOULEVARD 9229 LLC; ISHBA Y SHUKUROV;  
PETER KHAIM; ZAFAR ABDULLAEV; PROPHARMA  
DISTRIBUTION LLC; LEVI ELLIS; SYNERGY GROUP  
WHOLESALEERS LLC; CARLOS VEGA; ISLAND CHEMISTS, INC.  
d/b/a MEADOW DRUGS & SURGICAL; RANDOLPH  
MOHABIR; V.L.S. PHARMACY INC.; GOPESH M. PATEL;  
LIN PHARMACY INC. d/b/a MAKKI PHARMACY;  
SAMUEL YAKUBOV; MONICA A. NGO;  
ASCENSION PHARMACY HOLDINGS I LLC d/b/a  
MERMAID RX AND ARIEL PHARMACY; ALEX GELBINOVICH;  
PAUL ROSELL; MEDCONNECT ENTERPRISES, LLC; DHRUV  
RALHAN; D&K HEALTHCARE SOLUTIONS LLC; VENKATA  
SRINIVAS MANNAVA; DSP CONSULTING INC.; JOHN  
PANAGIOTOPOULOS; MIKE ZANGARI; RICCARDO MASSANA;  
STREAMLINE RX LLC; PAV AN MANTRIPRAGADA;  
MFK MANAGEMENT LLC d/b/a BOULEY ARD 9229 &  
9229 BOULEY ARD; MAKE IT HAPPEN MARKETING INC.;  
QUAN HERNANDEZ; SCRIPTS WHOLESALE INC.;  
STEVEN DIAMANTSTEIN; USDV PHARMA LLC;  
NER250 LLC d/b/a SCRIPTS WHOLESALE; JEFFREYS. BEETLEY;  
MARYLAND PHARMACIES INC. d/b/a THE MEDICINE SHOPPE #1802;  
PRIMERX INC.; SEKAR VENKA TESH; OMOM  
PHARMACEUTICALS INC.; OMOM WHOLESALE CORP.; GUSTAVO  
FERNANDEZ; LUIS D. GONZALEZ HERRERO; JORDAN RODRIGUEZ  
MATO; INVICTA WHOLESALE SUPPLY LLC; JORGE CABA;  
RXWHOLESALE.COM LLC; GABRIEL BETESH; CHARLES BREE;  
DANIEL GELBINOVICH; CESAR CASTILLO WHOLESALEERS LLC f/k/a  
CESAR CASTILLO LLC; DNS DISTRIBUTOR LLC; JULIO

MARTIN GONZALEZ; PHARMA PAC WHOLESALE CORP.;  
ANGEL TORAL; GENTEK LLC; EDEL REYES; RAPID'S TEX  
WHOLE SALES CORP; JOHN SANTOS; TITAN DISTRIBUTION & SERVICES LLC;  
TIDY GARAGES L.L.C.; GABRIEL DELGADO RAMIREZ;  
CM PHARMACEUTICAL LLC; JEFFREY W. GAFNEA;  
ROBERT W. GAFNEA; JM SMITH DISTRIBUTION CORP.;  
CARLOS HERNANDEZ; ASB WHOLESALE DISTRIBUTORS LLC;  
SIL VERLINE PHARMA LOGISTICS LLC; and ALBERTO ALONSO DIAZ,

Defendants.

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Defendant, ALEX GELBINOVICH by his attorney, LEO SHALIT, PC, as and for a response to Plaintiff's Second Amended Complaint responds as follows, upon information and belief, under the penalties of perjury.:

1. Defendant denies the allegations contained in Paragraph 1 of the Complaint.
2. Defendant denies the allegations contained in Paragraph 2 of the Complaint
3. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Complaint.
4. Defendant denies the allegations contained in Paragraph 4 of the Complaint.
5. Defendant denies the allegations contained in Paragraph 5 of the Complaint.
6. Defendant denies the allegations contained in Paragraph 6 of the Complaint.
7. Defendant denies knowledge sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Complaint, but Defendant denies the allegations as they pertain to Answering Defendant.

8. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Complaint.

9. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Complaint.

10. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Complaint.

11. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 11 of the Complaint.

12. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Complaint.

13. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Complaint.

14. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Complaint.

15. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 15 of the Complaint.

16. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 16 of the Complaint.

17. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the Complaint.

18. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 18 of the Complaint.

19. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 19 of the Complaint.

20. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Complaint.

21. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 21 of the Complaint.

22. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 22 of the Complaint.

23. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 23 of the Complaint.

24. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 24 of the Complaint.

25. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 25 of the Complaint.

26. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 26 of the Complaint.

27. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 27 of the Complaint.

28. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 28 of the Complaint.

29. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 29 of the Complaint.

30. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 30 of the Complaint.

31. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of the Complaint.

32. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 32 of the Complaint.

33. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 33 of the Complaint but admits that Defendant Alex Gelbinovich was employed by Ascension Pharmacy. Defendant denies the allegation related to being a New York resident at this time.

34. Defendant denies the allegations contained in Paragraph 34 of the Complaint.

35. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 35 of the Complaint.

36. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 36 of the Complaint.

37. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 37 of the Complaint.

38. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 38 of the Complaint.

39. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 39 of the Complaint.

40. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 40 of the Complaint.

41. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 41 of the Complaint.

42. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 42 of the Complaint.

43. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 43 of the Complaint.

44. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 44 of the Complaint.

45. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 45 of the Complaint.

46. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 46 of the Complaint.

47. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 47 of the Complaint.

48. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 48 of the Complaint.

49. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 49 of the Complaint.

50. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 50 of the Complaint.

51. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 51 of the Complaint.

52. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 52 of the Complaint.

53. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 53 of the Complaint.

54. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 54 of the Complaint.

55. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 55 of the Complaint.

56. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 56 of the Complaint.

57. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 57 of the Complaint.

58. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 58 of the Complaint.

59. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 59 of the Complaint.

60. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 60 of the Complaint.

61. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 61 of the Complaint.

62. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 62 of the Complaint.

63. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 63 of the Complaint.

64. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 64 of the Complaint.

65. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 65 of the Complaint.

66. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 66 of the Complaint.



67. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 67 of the Complaint.

68. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 68 of the Complaint.

69. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 69 of the Complaint.

70. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 70 of the Complaint.

71. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 71 of the Complaint.

72. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 72 of the Complaint.

73. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 73 of the Complaint.

74. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 74 of the Complaint.

75. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 75 of the Complaint.

76. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 76 of the Complaint.

77. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 77 of the Complaint.

78. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 78 of the Complaint.

79. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 79 of the Complaint.

80. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 80 of the Complaint.

81. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 81 of the Complaint.

82. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 82 of the Complaint.

83. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 83 of the Complaint.

84. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 84 of the Complaint.

85. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 85 of the Complaint.

86. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 86 of the Complaint.

87. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 87 of the Complaint.

88. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 88 of the Complaint.

89. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 89 of the Complaint.

90. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 90 of the Complaint as to the Co-Defendant. Answering Defendant denies being a New York resident at this juncture and denies the allegations as they pertain to him.

91. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 91 of the Complaint.

92. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 92 of the Complaint as to the Co-Defendants but admits that he worked in New York but denies the remainders of the allegations.

93. Defendant denies the allegations contained in Paragraph 93 of the Complaint.

94. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 94 of the Complaint.

95. Defendant denies the allegations contained in Paragraph 95 of the Complaint.

96. Defendant denies the allegations contained in Paragraph 96 of the Complaint.

97. Defendant denies the allegations contained in Paragraph 97 of the Complaint.

98. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 98 of the Complaint.

99. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 99 of the Complaint.

100. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 100 of the Complaint.

101. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 101 of the Complaint.

102. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 102 of the Complaint.

103. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 103 of the Complaint.

104. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 104 of the Complaint.

105. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 105 of the Complaint.

106. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 106 of the Complaint.

107. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 107 of the Complaint.

108. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 108 of the Complaint.

109. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 109 of the Complaint.

110. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 110 of the Complaint.

111. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 111 of the Complaint.

112. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 112 of the Complaint.

113. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 113 of the Complaint.

114. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 114 of the Complaint.

115. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 115 of the Complaint.

116. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 116 of the Complaint.

117. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 117 of the Complaint.

118. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 118 of the Complaint.

119. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 119 of the Complaint.

120. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 120 of the Complaint.

121. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 121 of the Complaint.

122. Defendant denies the allegations contained in Paragraph 122 of the Complaint.

123. Defendant denies the allegations contained in Paragraph 123 of the Complaint.

124. Defendant denies the allegations contained in Paragraph 124 of the Complaint.

125. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 125 of the Complaint.

126. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 126 of the Complaint, but Defendant denies the allegations contained herein as they pertain to Answering Defendant.

127. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 127 of the Complaint.

128. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 128 of the Complaint.

129. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 129 of the Complaint.

130. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 130 of the Complaint.

131. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 131 of the Complaint.

132. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 132 of the Complaint.

133. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 133 of the Complaint.

134. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 134 of the Complaint.

135. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 135 of the Complaint.

136. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 136 of the Complaint.

137. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 137 of the Complaint.

138. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 138 of the Complaint.

139. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 139 of the Complaint.

140. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 140 of the Complaint.

141. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 141 of the Complaint.

142. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 142 of the Complaint.

143. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 143 of the Complaint.

144. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 144 of the Complaint.



145. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 145 of the Complaint.

146. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 146 of the Complaint.

147. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 147 of the Complaint.

148. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 148 of the Complaint.

149. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 149 of the Complaint.

150. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 150 of the Complaint.

151. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 151 of the Complaint.

152. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 152 of the Complaint.

153. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 153 of the Complaint.

154. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 154 of the Complaint.

155. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 155 of the Complaint.

156. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 156 of the Complaint.

157. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 157 of the Complaint.

158. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 158 of the Complaint.

159. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 159 of the Complaint.

160. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 160 of the Complaint.

161. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 161 of the Complaint.

162. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 162 of the Complaint.

163. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 163 of the Complaint.

164. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 164 of the Complaint.

165. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 165 of the Complaint.

166. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 166 of the Complaint.

167. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 167 of the Complaint.

168. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 168 of the Complaint.

169. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 169 of the Complaint.

170. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 170 of the Complaint.

171. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 171 of the Complaint.

172. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 172 of the Complaint.

173. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 173 of the Complaint.

174. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 174 of the Complaint.

175. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 175 of the Complaint.

176. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 176 of the Complaint.

177. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 177 of the Complaint.

178. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 178 of the Complaint.

179. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 179 of the Complaint.

180. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 180 of the Complaint.

181. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 181 of the Complaint.

182. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 182 of the Complaint.

183. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 183 of the Complaint.

184. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 184 of the Complaint.

185. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 185 of the Complaint.

186. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 186 of the Complaint.

187. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 187 of the Complaint.

188. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 188 of the Complaint.

189. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 189 of the Complaint.

190. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 190 of the Complaint.

191. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 191 of the Complaint.

192. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 192 of the Complaint.

193. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 193 of the Complaint.

194. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 194 of the Complaint.

195. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 195 of the Complaint.

196. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 196 of the Complaint.

197. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 197 of the Complaint.

198. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 198 of the Complaint.

199. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 199 of the Complaint.

200. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 200 of the Complaint.

201. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 201 of the Complaint.

202. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 202 of the Complaint.

203. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 203 of the Complaint.

204. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 204 of the Complaint.

205. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 205 of the Complaint.

206. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 206 of the Complaint.

207. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 207 of the Complaint.

208. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 208 of the Complaint.

209. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 209 of the Complaint.

210. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 210 of the Complaint.

211. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 211 of the Complaint.

212. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 212 of the Complaint.

213. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 213 of the Complaint.

214. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 214 of the Complaint.

215. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 215 of the Complaint.

216. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 216 of the Complaint.

217. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 217 of the Complaint.

218. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 218 of the Complaint.

219. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 219 of the Complaint.

220. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 220 of the Complaint.

221. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 221 of the Complaint.

222. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 222 of the Complaint.

223. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 223 of the Complaint.

224. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 224 of the Complaint.



225. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 225 of the Complaint.

226. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 226 of the Complaint.

227. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 227 of the Complaint.

228. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 228 of the Complaint.

229. Defendant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 229 of the Complaint.

230. Defendant denies the allegations contained in Paragraph 230 of the Complaint as they pertain to Answering Defendant. Defendant denies knowledge sufficient to form a belief as to the truth of the remaining allegations contained herein.

231. Defendant denies the allegations contained in Paragraph 231 of the Complaint as they pertain to Answering Defendant. Defendant denies knowledge sufficient to form a belief as to the truth of the remaining allegations contained herein.

232. Defendant denies the allegations contained in Paragraph 232 of the Complaint as they pertain to Answering Defendant. Defendant denies knowledge sufficient to form a belief as to the truth of the remaining allegations contained herein.

233. Defendant denies the allegations contained in Paragraph 233 of the Complaint as they pertain to Answering Defendant. Defendant denies knowledge sufficient to form a belief as to the truth of the remaining allegations contained herein.

234. Defendant denies the allegations contained in Paragraph 234 of the Complaint as they pertain to Answering Defendant. Defendant denies knowledge sufficient to form a belief as to the truth of the remaining allegations contained herein.

235. Defendant denies the allegations contained in Paragraph 235 of the Complaint as they pertain to Answering Defendant. Defendant denies knowledge sufficient to form a belief as to the truth of the remaining allegations contained herein.

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reincorporates by reference its answers to the preceding paragraphs as if fully set forth herein.

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398. Defendant denies the allegations contained in Paragraph 398 of the Complaint.

399. Defendant denies the allegations contained in Paragraph 399 of the Complaint.

400. Defendant denies the allegations contained in Paragraph 400 of the Complaint.

Any Allegations Not Specifically Addressed Are Denied. All Allegations and Demands in the “Wherefore” and “Prayer For Relief” are denied. Further, all questions of law are referred to this Honorable Court.

#### **FIRST AFFIRMATIVE DEFENSE**

Plaintiff failed to state a claim upon which relief can be granted against the Answering Defendant



**SECOND AFFIRMATIVE DEFENSE**

Any alleged damage to Plaintiff was caused in whole and/or in part by the acts of others over whom the Answering Defendant exercised no control.

**THIRD AFFIRMATIVE DEFENSE**

Defendant hereby gives notice that it intends to reply upon such other and further defenses as may become available or apparent during discovery in this case, and thus, it reserves the right to amend its Answer to assert any such defenses.

**FIRST CROSS-CLAIM AGAINST DEFENDANTS SAFE CHAIN SOLUTIONS, LLC FOR CONTRIBUTION AND INDEMNIFICATION**

1. Pursuant to Federal Rule of Civil Procedure rule 13(g), if Answering Defendant is found liable to Plaintiffs, then Defendant Safe Chain Solutions, LLC (“Safechain”) is liable for all of the claims asserted against the Answering Defendants. This cross-claim incorporates by reference all of the allegations made against Safe Chain in the main complaint.
2. Safe Chain is accused in the main complaint of, among other things, purchasing and/or creating counterfeit versions of Plaintiff’s HIV/AIDS medicine.
3. Safe Chain is alleged to have knowingly sold the counterfeit medications to the Answering Defendant.
4. This includes, *inter alia*, allegations that Plaintiff’s medication bottles were used but foreign tablets were placed in to these bottles and the bottles were intentionally engineered to look like authentic Gilead brand medication.
5. Safe Chain is also accused of manufacturing the documentations that provided the drugs pedigree to make it seem like it came directly from Gilead or Gilead authorized distributors.
6. If the Answering Defendant sold counterfeit Gilead medication as alleged in the complaint, which allegations is denied, then it did so because Safe Chain knowingly and willfully

provided false and manufactured bottles with counterfeit medication and provided documentation that provided a false pedigree which caused the Answering Defendant to unknowingly receive and dispenses said medication, said act which is denied.

7. If Safe Chain acted as alleged in the Complaint, then the Answering Defendant reasonably relied on Safe Chains's documentation and pedigree when purchasing any such medication
8. If the Answering Defendant is liable to Plaintiffs, the the Answering Defendant are entitled to indemnification and contribution from Safe Chain due to its culpable conduct as against the Answering Defendant.
9. Moreover, Safe Chain must indemnify and defendant the Answering Defendant.

**WHEREFORE**, by reason of the foregoing, SafeChain is liable to the Answering Defendant for indemnification and contribution for any damages awarded in this lawsuit to Plaintiff from the Answering Defendant, attorney's fees together with interest and costs.

**SECOND CROSS-CLAIM AGAINST DEFENDANT SAFE CHAIN FOR FRAUD IN THE:  
INDUCEMENT, FRADULENT MISREPRESENTATION  
AND COMMON LAW FRAUD**

10. Answering Defendants repent and reallege every allegation above in its First Cross-Claim as if fully set forth herein.
11. If the allegations in the main complaint made by Plaintiffs against Sale Chain are true; Safe Chain made intentional misrepresentations of fact, and material misrepresentations as to the legitimacy of the allegedly counterfeit Gilead medication and its pedigree, which were false and known to be false (or should have been known to be false) by Safe Chain, and made to induce answering defendant to rely upon them, and answering defendant did justifiably rely on those allegedly false statements and misrepresentations.

12. If Plaintiff's allegations against Safe Chain are true, then Safe Chain's material misrepresentations were made to induce the Answering Defendants to purchase the allegedly counterfeit medication.

13. This caused injury and potential injury in the form of the cost of this lawsuit, any and all liability found and damages paid to plaintiffs in this lawsuit and loss of reputation to Answering Defendant's with its customers and the public.

14. If the Complaint's allegations against Safe Chain are true, then Safe Chain's conduct was willfull, intentional, and grossly inappropriate and an award of both compensatory and punitive damages is appropriate.

**WHEREFORE**, by reason of the foregoing, Safe Chain is liable to Answering Defendant for compensatory damages and for punitive damages, in an amount to be determined at trial, together with interest and costs.

**DEMAND FOR JURY TRIAL**

Wherefore, the Answering Defendant demands judgement dismissing the allegations made against them in the Second Amended Complaint, together with costs, granting of its first and second cross-claim against Safe Chain Solutions, LLC together with indemnification , contribution, attorney's fees, interest and compensatory and punitive damages.

**WHEREFORE**, Defendant hereby demands judgment as follows:

- a.** That the Complaint be dismissed in its entirety.
- b.** That this Court grant such other further and different relief as may be just and proper.

Dated: November 23, 2021

Very truly yours,

LEO SHALIT /LS/

By: Leo Shalit, Esq  
Attorneys for Defendant - Alex Gelbinovich  
565 Plandome Road, #9  
Manhasset, New York 11030  
646.957.0009

To: See attached Certificate of Service

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GILEAD SCIENCES, INC., GILEAD SCIENCES :  
IRELAND UC, and GILEAD SCIENCES, LLC, :

Plaintiffs, :

-against- :

SAFE CHAIN SOLUTIONS, LLC; PATRICK BOYD; :  
CHARLES BOYD; WORLDWIDE PHARMA SALES :  
GROUP, INC. d/b/a PHARMASALES.COM; et al., :

Defendants. :

Civil Action: 21-cv-4106  
[AMD][RER]

UNDER SEAL

-----X

---

VERIFIED ANSWER

---

LEO SHALIT, PC  
565 Plandome Road, #9  
Manhasset, New York 11030  
646.957.0009

## **CERTIFICATE OF SERVICE**

I, Leo Shalit counsel of record for Alex Gelbinovich, hereby certify that on November 23, 2021, I caused the foregoing Answer To Second Amended Complaint to be served upon all counsel in this matter via email and an original copy was mailed to the Clerk of the United States District Court for the Eastern District for entry.

/s/ Leo Shalit, Esq.  
By: Leo Shalit, Esq

To:

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**Tel: (212) 336-2000**  
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**gpotter@pbwt.com**

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**Maria Campese**

**Robert E. Hewitt**

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**Rick Collins**

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**Robert V. Williams**

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**Joseph W. Carbonaro**

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**Miguel del Aguila**

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**Richard Trenk**

**Mark Moon**

**Satish Poondi**

**TRENK ISABEL**

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*Counsel/or Defendants Sekar Venkatesh, Maryland Pharmacies Inc. d/b/a The Medicine Shoppe # 1802, and Prime Rx Inc.*